REMARKS/ARGUMENTS

1.   **Claim Rejections – 35 U.S.C. § 102(a)**

Claims 34, 35, 37-40, 42, 49, 50-53, and 60-63 stand rejected under 35 U.S.C. 102(a) as being anticipated by Choi, et al. (WO 2004/064342 A1), hereinafter Choi '342. As an initial matter, Applicant believes that a rejection under Section 102(a) is improper as it appears that the Examiner meant to reject based on Section 102(e). Notwithstanding the foregoing, Applicant respectfully traverses the rejection as Choi '342 fails to disclose all of the elements of the present invention. The key difference between the present invention and Choi '342 is that, as claimed in claim 34, the present invention specifies that the UE is in a cell group location state, in which state the location of the mobile terminal is stored at the *cell group level*. The specific example of "cell group location state" given in the description and dependent claims is the URA_PCH state. URA refers to the UTRAN Registration Area which is an area covered by a number of cells.

In contrast, Choi '342 refers only to the CELL_DCH, CELL_FACH and CELL_PCH states. In these states, the UE location is known at the cell level, not at the cell group level. That is to say, the UE performs a cell update whenever it moves to a new cell in these states. The different states are explained in the background section

More specifically, in the URA_PCH state the UE does not perform a Cell Update when it moves between different cells, as long as these cells are within the same URA.

As explained in the Specification, page 4, line 21 to page 5, line 11, the URA may span cells which are served by NodeBs connected to different RNCs. This means that the UE might relocate to a cell connected to a different RNC than its SRNC. This new RNC will function as a DRNC for the UE. However, because the UE does not send any cell update message when it moves between cells within the same URA, the new RNC (i.e. the DRNC) will not have any stored mobile terminal context information, and therefore the UE will not receive MBMS service.

This is the problem to which the present invention is addressed. The present invention addresses the problem such that the SRNC, when a certain trigger event occurs (e.g. the UE moves to URA_PCH), sends a message to a number of potential DRNCs for the UE, and this message comprises the context information.

This leads us to another significant difference between the present invention and Choi '342. Choi '342 only refers to sending the message to a single RNC, while the present invention claims sending to messages to all the potential DRNCs. Note that if the UE is in CELL_FACH or CELL_PCH, it makes no sense to send the message to several RNCs as it is already known which RNC needs the context information, because the UE always sends a cell update when switching to a new RNC.

Choi ' 342 discloses no more than that which is described in the background section of the application—that being when a UE in the CELL_FACH or CELL_PCH state moves to a cell which is connected to a different RNC, the UE will always send a cell update message, which will trigger the transfer of context information to the new RNC. In contrast, the present invention addresses the missing context information in the DRNC because of "missing" cell update messages in URA_PCH.

Regarding claim 34, the Examiner states:

> Choi discloses a method in a radio access network of handling the mobility of a multimedia service joined mobile terminal in a cell group location state, in which state the location of the mobile terminal is stored at cell group level in a context of a radio network controller functioning as a serving radio network controller (SRNC) for the mobile terminal (see page 6, lines 31-34), comprising the steps of:

Choi, Page 6, lines 31-34 provide:

> (3) According to the invention, a mobility method for a DE receiving a MBMS service between different RNCs as well as a non-MBMS service in the state of CELL_DCB comprising:

As noted above, these elements are not properly equated. The state of CELL_DCH is not a "cell group location state", because the UE location is known at cell level in CELL_DCH.

The Examiner continues:

> ...performing an information transfer at a first trigger event via an Iur-interface between a serving radio network controller (SRNC) and all radio network controllers controlling at least one cell in a first cell group and being potential drift radio network controllers (DRNCs) for the mobile terminal, wherein the information transfer step comprises the further steps of sending, by the SRNC, a multimedia service attach requesting message to the potential DRNCs (see page 9, lines 15-19, wherein the SRNC communicates with "a RNC of the target cell" which reads on the DRNC),

Choi, Page 9, lines 15-19 provide:

> 202 If the DE moves between cells in different RNC, after a SRNC receives a message of "Cell Update" from the DE applying for MBMS service, it sends a message of "MBMS Connection Request" to a RNC of the target cell. The message of "MBMS Connection Request" contains such information as MBMS Service ID, DE Identity and Cell ID.

As noted above, these elements are not properly equated. Choi '342 sends the message to a RNC. The claim states sending a message to the potential DRNCs, i.e. more than one DRNC. The same arguments apply *mutatis mutandis* to independent claims 51 and 62.

[A] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention,

arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co., 730 F.2d 1452, 1458 (Fed. Cir. 1984) (internal citations omitted).

Claims 35, 37-40, 42, 49 and 50 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 52-53 and 60 depend from claim 51 and recite further limitations in combination with the novel elements of claim 51. Claim 63 depends from claim 62 and recites further limitations in combination with the novel elements of claim 62. Therefore, the allowance of claims 34, 35, 37-40, 42, 49, 50-53, and 60-63 is respectfully requested.

2.   Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 36, 41, and 64-66 under 35 U.S.C. § 103(a) as being unpatentable over Choi '342 in view of Choi, et al. (US 2004/0180675 A1), hereinafter Choi '675. As noted above, Choi '342 fails to disclose all the elements of the present invention. Choi '675 fails to overcome the deficiencies of Choi '342. Claims 36 and 41 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 64-66 depend from claim 62 and recite further limitations in combination with the novel elements of claim 62. Therefore, the allowance of claims _ 36, 41 and 64-66 is respectfully requested.

The Examiner rejected claims 43-48 and 54-59 under 35 U.S.C. § 103(a) as being unpatentable over Choi '342 in view of Lee, et al. (US 2005/0041610 A1), hereinafter Lee. As noted above, Choi '342 fails to disclose all the elements of the present invention. Lee et al fails to overcome the deficiencies of Choi '342. Claims 43-48 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 54-59 depend from claim 51 and recite further limitations in combination with the novel elements of claim 51. Therefore, the allowance of claims _ 43-48 and 54-59 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Michael Cameron Reg. No. 50,298/

By Michael Cameron
Registration No. 50,298

Date: July 23, 2010

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-4145